

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MICHAEL ARBSLAND,
Plaintiff,
v.
SOUTHWEST SIGNS, THE HOME
DEPOT, INC.,
Defendants.

SOUTHWEST SIGNS, LLC,
Cross-Complainant,
v.
THE HOME DEPOT, SIGNS HAWAII,
SIGN ART, L. MORIGUCHI, INC.
Cross-Defendants

Case No.: C-06-4191 PVT

**ORDER DENYING MOTION TO
COMPEL COMPLIANCE WITH
SUBPOENAS**

On February 2, 2008, Cross-Defendant Signs Hawaii, filed a motion to compel compliance with subpoenas issued pursuant to Rule 45 of the Federal Rules of Civil Procedure.¹ Signs Hawaii seeks to compel the Hawaii Department of Labor and Industrial Relations and

¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

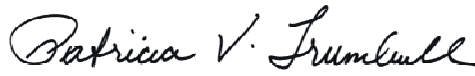
1 Hawaii Employers Mutual Insurance Company to produce various records. Both subpoenas
2 were issued by the Northern District of California and purport to require production in Honolulu,
3 Hawaii. (Motion Exh. A.) Thus, the subpoenas at issue issued from this district but seek
4 production in another district.

5 Rule 45 provides: "A subpoena must issue as follows . . . for production, inspection,
6 copying, testing, or sampling, if separate from a subpoena commanding a person's attendance,
7 *from the court for the district where the production or inspection is to be made.*" Rule
8 45(a)(2)(C) (emphasis added). By its terms, Rule 45 only provides for production in the district
9 from which the subpoena issued. Because Signs Hawaii seeks to compel production in another
10 district, the subpoenas are defective and compliance with them cannot be compelled.

11 For the foregoing reasons, It Is hereby Ordered that Signs Hawaii's motion to compel
12 compliance with subpoenas is denied and the April 3, 2007 hearing date is vacated.

13 IT IS SO ORDERED.

14 Dated: March 19, 2007

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16 PATRICIA V. TRUMBULL
17 United States Magistrate Judge
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